

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ASTELLAS INSTITUTE FOR REGENERATIVE
MEDICINE, and STEM CELL & REGENERATIVE
MEDICINE INTERNATIONAL, INC.,

Plaintiffs,

V.

IMSTEM BIOTECHNOLOGY, INC., XIAOFANG
WANG, and REN-HE XU,

Defendants.

C.A. NO. 1:17-cv-12239-ADB

**LEAVE TO FILE UNDER SEAL
GRANTED ON 9/24/19 (Dkt. 105)**

**DECLARATION OF BENJAMIN M. STERN IN SUPPORT OF
DEFENDANTS' OPPOSITION TO PLAINTIFFS'
MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT**

I, Benjamin M. Stern, state as follows:

1. I am an attorney at the firm Verrill Dana LLP, One Federal Street, Boston, MA 02108, counsel of record for the defendants, ImStem Biotechnology, Inc., Ren-He Xu, and Xiaofang Wang (collectively, the “Defendants”). I am over the age of 18, am fully competent to make this declaration, and make this declaration on personal knowledge.

2. Attached hereto as **Exhibit 1** is a true and accurate copy of a Notice of Allowability with Examiner's Amendment concerning Application No. 14/413,290.

3. Attached hereto as **Exhibit 2** is a true and accurate copy of an email exchange dated June 5, 2014, between Matthew Vincent and Mike Heffernan produced by the Plaintiffs and Bates-numbered AIRM00097111-113.

4. Attached hereto as **Exhibit 3** are true and accurate copies of excerpts from the June 18, 2019, deposition of Erin Kimbrel.

5. Attached hereto as **Exhibit 4** is a true and accurate copy of an email from counsel for Plaintiffs, Rebecca Rabenstein, dated September 5, 2019.

6. Attached hereto as **Exhibit 5** is a true and accurate copy of an email thread culminating on March 28, 2011, between Drs. Wang and Kimbrel, produced by the Plaintiffs and Bates-numbered AIRM00014908-910.

7. Attached hereto as **Exhibit 6** is a true and accurate copy of an email exchange dated April 2, 2012, between Drs. Xu, Wang and Kimbrel, produced by the Plaintiffs and Bates-numbered AIRM00016868-869.

8. Attached hereto as **Exhibit 7** is a true and accurate copy of an email exchange culminating on December 9, 2011, between Drs. Xu, Wang and Kimbrel, produced by the Plaintiffs and Bates-numbered AIRM00016190-192.

9. Attached hereto as **Exhibit 8** are true and accurate copies of excerpts from the July 3, 2019, deposition of Ren-He Xu.

Signed under the pains and penalties of perjury this 27th day of September, 2019.

/s/ Benjamin M. Stern
Benjamin M. Stern

CERTIFICATE OF SERVICE

I hereby certify I caused an unredacted copy of this document to be sent to counsel for Plaintiffs on the date below. A redacted copy of this document will be filed in accordance with the Court's procedures for filing such through the CM/ECF system, to be sent electronically to the registered participants, and paper copies to be sent to those indicated as nonregistered participants.

Dated: September 27th, 2019

/s/ Benjamin M. Stern
Benjamin M. Stern